

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

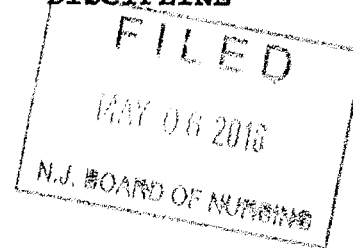
**FINAL**

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE CERTIFICATION OF : ADMINISTRATIVE ACTION

Tabatha McDuffie, C.H.H.A. :  
Certificate No. 26NH07331500 :

FINAL ORDER OF  
DISCIPLINE

TO PRACTICE AS A :  
HOMEMAKER-HOME HEALTH AIDE :  
IN THE STATE OF NEW JERSEY :



This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Tabatha McDuffie ("Respondent") was certified to practice as a Homemaker-Home Health Aide in the State of New Jersey on August 19, 2002 and has been a licensee at all times hereto.

2. The Board received information from Respondent's employer, Hearthstone Estates, alleging that Respondent was verbally abusive to patients.

3. Multiple coworkers of Respondent reported that they had observed Respondent speaking inappropriately to residents. Z.C. reported that Respondent has a practice of putting two diapers on an incontinent resident to allow additional time to change the

resident and yells to herself when she is frustrated that a resident needs additional care; C.B. reported that Respondent spoke harshly to another resident; K.S. reported that Respondent verbally attacked her in an angry manner for putting additional resident laundry in; L.L. reported that Respondent told a resident to "get her mother fucking ass back in bed; C.R. reported that Respondent speaks in a loud voice and has spoken to residents in an "uncalled for tone."

4. In response, the Board sent a subpoena to Respondent to appear before the Board for an investigative inquiry to be held on June 16, 2015 to Respondent's address of record in Manchester, New Jersey, via regular and certified mail on or about May 14, 2015. The regular mail was not returned, the certified mail was returned "Moved, Left No Address."

5. Respondent did not appear at the investigative inquiry and did not contact the Board about the subpoena.

#### **CONCLUSIONS OF LAW**

Respondent's failure to appear at the investigative inquiry constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h). Respondent's abusive and angry conduct constitutes professional

misconduct under N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action.

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of discipline was entered on August 14, 2015 seeking a three year suspension (two years active, one year stayed and served as a period of probation), two hundred dollar (\$200) civil penalty, and requirements that Respondent appear before the Board and complete an elder abuse course prior to reinstatement. Copies were served on Respondent via regular and certified mail to her last known address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

Respondent replied to the Provisional Order by providing a letter to the Board which did not address the allegations of verbally abusing patients, but asserted that the allegations arose from her employer's desire to replace her with someone who held a C.M.A. (Certified Medication Aide) certification. Respondent

indicated that she had failed the C.M.A. test once and decided that she would not re-take it because she doesn't want that kind of responsibility and enjoys being a C.H.H.A.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as the Respondent did not dispute the findings of fact or conclusions of law. The Board was not persuaded that Respondent's reply warranted modification or dismissal of the findings of fact or conclusions of law.

**ACCORDINGLY, IT IS on this 6<sup>th</sup> day of May, 2016,  
**ORDERED that:****

1. Respondent's certificate to practice as a homemaker-home health aide is hereby suspended for a minimum of three (3) years, two years active suspension and one (1) year stayed to be served as a period of probation. Respondent shall refrain from engaging in the practice as a homemaker-home health aide and shall not represent herself as a homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice. After a minimum of two years from the date of filing of this Final Order of Discipline, Respondent may petition in writing for reinstatement of her certification. After

Respondent's certificate is reinstated, the one year stayed suspension, to be served as a period of probation, shall commence.

2. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Twalema Khonje, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall, within 5 (five) days, mail her certificate, wall and wallet version, to practice as a homemaker-home health aide to Twalema Khonje, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

4. Prior to any application for reinstatement, Respondent shall submit to the Board proof of completion of an on-line elder abuse course, pre-approved by the Board.

5. The Board may require that Respondent appear before the Board prior to any application for reinstatement.

6. The Board reserves the right to initiate disciplinary proceedings based upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

*Patricia Murphy*  
Patricia Murphy, PhD, APN  
President